

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NOSAKHARE ONUMONU, #303121,

Petitioner,

v.

CASE NO. 2:19-CV-11272  
HONORABLE GERSHWIN A. DRAIN

JOHN DAVIDS,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION  
FOR NON-PREJUDICIAL DISMISSAL, DISMISSING WITHOUT  
PREJUDICE THE PETITION FOR A WRIT OF HABEAS CORPUS,  
AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion to voluntarily dismiss his pending petition for a writ of habeas corpus so that he may return to the state courts and pursue further challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold this case in abeyance. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly, the Court **GRANTS** Petitioner's motion and **DISMISSES**

**WITHOUT PREJUDICE** the petition for a writ of habeas corpus. Additionally, the Court denies a certificate of appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is closed. Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations. This case will not be re-opened.

**IT IS SO ORDERED.**

Dated: July 22, 2019

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, July 22, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern  
Case Manager